



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3004697
Applicant Name: Tyler Goodmanson
Address of Proposal: 4054 NE 88th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to short subdivide one parcel of land into two parcels of land. Proposed parcel sizes are: A) 5,567.5 square feet and B) 5,437.3 square feet. Existing structures are to remain.

The following approval is required:

Short Subdivision - to divide one parcel of land into two parcels of land.
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Visit: June 7, 2006

Zoning: Residential, Single Family 7200 (SF7200)

Uses on Site: One single-family residence and detached garage

Substantive Site Characteristics:

This 11,004.8 square foot subject site is a rectangular corner lot that fronts on NE 88th Street to the south and 42nd Avenue NE to the east. The existing one-story single family residence is located in the western portion of the lot, with the detached garage to the west of the residence. The highest elevation on the lot is in the southwest corner, with a gradual slope down to the northeast corner, with an elevation change of approximately 14 feet. There is a wood fence approximately six foot tall which runs east from the existing residence, then turns north along the eastern boundary until the rear property line to the north. According to the survey provided, the eastern section of fence is located beyond the eastern property line by about five feet, so it encloses a section of public right of way of approximately 350 square feet.

There are several mature trees on the property which include a hemlock and an apple tree to the south of the existing house. In the northwest corner, there is a Western Red Cedar which is 40" diameter at breast height (dab). There are some shrubs and lawn on the subject site. Two Western Cedars are located within the adjacent right-of-way, just to the west of this property, and are shown on the survey as having diameters of 36 and 38" respectively. Neighbors reported that another similarly sized Western Cedar located upon public right of way, was removed within the past year by the owner. (See additional information below.)

The property borders on 42nd Avenue NE to the east which is a heavily wooded, winding right-of-way with a paved surface approximately 15 feet wide. There are no curbs, sidewalk, planting strip, or gutters. The eastern portion of the subject site includes an area of approximately 2,000 square feet (approximately 20 feet wide by 100 feet long) resulting from a street vacation of 42nd Avenue NE in 1964 (see below for further information.) The right-of-way to the south, NE 88th Street, has a pavement width of approximately 22 feet, and does not have any curbs, sidewalk, planting strip, or gutters. The subject site has 110.02 lineal feet of frontage on NE 88th Street and 100.02 lineal feet of frontage on 42nd Avenue NE.

Area Development

The proposal site is located within an area zoned Single Family 7200 (SF7200) which continues to the north, west, and east. The area adjacent to the south is zoned Single Family 5000 (SF5000). Development in the vicinity is single-family residential.

Proposal Description

The applicant proposes to subdivide one parcel of land into two parcels of land. Proposed parcel sizes are: A) 5,567.5 square feet and Lot B) 5,437.3 square feet. The existing single family residence and detached garage would be located on Parcel B to the west. Parcel A would be an L-shaped lot with the majority of its area on the eastern portion of the lot with a width of 38.5 feet, which turns west and includes a 24 foot wide area to the north of the existing residence.

Public Comment :

The public comment period for the proposed project ended on May 17, 2006. Seven comment letters were received. There were also several phone calls received from the public in regards to this project.

Additional Information

In 1963, a group of abutting landowners submitted a petition to the Seattle City Council for a street vacation of the right-of-way 42nd Avenue NE which was 60 feet in width. Seattle City Council passed Ordinance 92721 in 1964 to vacate an approximate 45 foot width of the 42nd Avenue NE right of way. This action resulted in vacating an approximate 20 foot width of land on the west side of 42nd Avenue NE, which increased the applicant's property by approximately 2,000 square feet. The applicant provided a copy of the title of the subject property for review of any existing covenants. There was no covenant or restriction on the title regarding the vacated portion of the lot.

Regarding more recent activity for this subject property, Andrew Fortier, the owner, stated in a November 3, 2006 phone call to the land use planner that he had removed a Western Cedar within this past year, which was later discovered to be within the public right-of-way. The owner stated that he had taken this action prior to a survey of his property. Mr. Fortier explained that his insurance agency had told him that the tree was considered a hazard, and that this was the reason he removed the tree. When neighbors complained about the tree removal, Mr. Fortier stated that he had called a city arborist. Mike Schnad, forester for Seattle Department of Transportation, stated in an email dated November 8, 2006 that he had been asked to check out possible illegal tree cutting, and stated that he observed "one 36 inch Western red cedar that was removed and a fence built over the stump." The survey provided by the applicant for this short plat shows that this tree was in fact located within the public right-of-way.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. Conformance to the applicable Land Use Policies and Land Use Code provisions;

The subject site which is approximately 11,004.8 square foot includes an area of approximately 2,000 square feet as a result of the 1964 street vacation of 42nd Avenue NE (Ordinance 92721). The area in which the proposal site is located is zoned for a minimum lot area is 7,200 square feet, and the proposed parcels are less than this amount. However, the proposed parcels meet the minimum lot area requirement by utilizing the "75/80 Rule," as stated in Seattle Municipal Code 23.44.010 B, which allows for an exception to minimum lot size.

The “75/80 Rule” provides lot area exceptions for lots that meet at least 75 percent of the general requirement for the underlying zoning and at least 80 percent of the mean area of the parcels on the same block face and in the same zone. The proposed lots of 5,567.5 sq.ft. and 5,437.3 sq.ft. are each greater than 5,400 sq.ft. (75% of 7,200 sq.ft.), thus, meeting the first requirement of the “75/80 Rule”. Given that this is a corner lot, the applicant is permitted to choose which block face to include in this formula. The applicant chose the block face on NE 88th Street which has eight parcels to the west of the subject property, with a lot size average of 6,375 sq.ft. (excluding the subject property.) The two proposed lots are greater than 5,100 sq.ft which is 80% of this mean lot size. This subdivision proposal conforms to the 75/80 Rule.

2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;

Each of the proposed lots will have frontage on NE 88th Street, with proposed Parcel B with the existing house and detached garage having 71.52 lineal feet of street frontage and proposed Parcel A having 38.5 lineal feet of street frontage. Proposed Parcel A has approximately 100 lineal feet of frontage on 42nd Avenue NE. The Seattle Fire Department has reviewed and approved this proposal with respect to access for emergency vehicles. Seattle City Light provides electrical service to the subject property. If necessary, the applicant shall work with Seattle City Light to describe, prepare and obtain any easements for electrical facilities to the lots.

3. Adequacy of drainage, water supply, and sanitary sewage disposal;

This area is within the Thornton Creek Watershed. There is no existing storm sewer within this area. Future development will be required to meet drainage plan requirements and this review will be conducted as part of the building permit application. A Water Availability Certificate was issued on May 10, 2006. All conditions on the certificate must be met prior to receiving water service.

4. Whether the public use and interests are served by permitting the proposed division of land;

This short plat would meet the goal of providing additional housing opportunities within an area zoned for single family residences. In order to preserve the natural setting of the area, this land use decision also includes a condition for maintaining the existing mature trees within and adjacent to this site, as well as, planting additional trees.

5. Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;

The proposal site does not contain any mapped designated City of Seattle Environmentally Critical Areas (ECA). To the north, there are ECA areas due to riparian corridor and wetlands, and the site is within the Thornton Creek Watershed. There are properties to the northwest and northeast that are designated as steep slopes with potential landslide.

6. Is designed to maximize the retention of existing trees;

The proposed lot boundaries for this 2-lot short subdivision would create an L-shaped Parcel A with a 24 foot wide area to the north (and rear) of the existing home and a 38.5 foot wide area to

the east of the existing home. The area to the north of the existing home has a Western Red Cedar of 48" dbh which is characteristic of the rural and heavily forested nature of the area. This short plat maintains the retention of this mature tree.

This corner lot serves as a gateway to the winding, heavily wooded corridor of 42nd Avenue NE. Development on the proposed Parcel A would be adjacent to the remaining two Western Red Cedars within the right-of-way for 42nd Avenue NE. It is in the public interest to protect the existing trees that contribute to the character of the area. This land use decision includes a condition that these Western Red Cedars within the 42nd Avenue NE right-of-way need to be appropriately protected during any future construction activity.

Since 2002, this subject property and its adjacent right-of-way have experienced a loss of several mature trees. There is a 2002 aerial photo from the City's GIS map that shows the presence of mature trees to the south of proposed Parcel A which have been removed since that time. Mr. Schnad, the forester for the Seattle Department of Transportation, made site visits on July 3, 2006 and February 6, 2007. He noted in emails on November 8, 2006 and February 7, 2007, that there had been tree cutting activity on both 42nd Avenue NE and NE 88th Street which included topping, pruning, and removal of trees. Thus, the wooded character of this lot and adjacent right-of-way has been significantly altered within the past five years. A condition of this land use decision is to plant additional trees within the abutting right(s)-of-way.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This criterion is not applicable to this proposal.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS – SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Include on the final plat the corrections noted in the Land Use Plans Correction Notice dated December 12, 2006.
2. Place the following statement on the face of the plat: "In order to preserve the wooded character and to serve the public interest, the two existing Western Red Cedars with diameters of 36" and 38" at breast height (dbh) located to the east of the subject property within the 42nd Avenue NE right-of-way must be fully protected from the impacts of any

future construction proposals and activity. Thus, no structure, impervious surface, or construction activity shall be permitted within their critical root area. The City Arborist must be consulted and approve of the protective area and fencing for these two trees prior to any construction activity.”

3. The following is required:
 - a.) include a notation on the final plat that the Western Red Cedar located in the northwest corner of the subject property (on proposed Parcel A) will be retained;
 - b.) plant a minimum of four trees of native species within one or both of the rights-of-way of 42nd Avenue NE and NE 88th Street, with an approved location decided by the City Arborist of the Seattle Department of Transportation. The trees shall each be a minimum size of 8-10 feet and/or 2” caliper.
4. Remove the existing fence from its location on public right-of-way and/or relocate it to private property. Provide documentation to DPD when this has been completed.
5. Include any required easement description by Seattle City Light on the face of the final plat and in the legal descriptions of the affected lots.
6. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat “For conditions of approval after recording see page ____ of ____.”
7. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
8. Submit the recording fee and final recording forms for approval.

For the life of the project

9. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: (signature on file) Date: May 17, 2007
Janet L. Wright, Land Use Planner
Department of Planning and Development